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9
                    UNITED STATES DISTRICT COURT
10
                 NORTHERN DISTRICT OF CALIFORNIA
11
                          SAN JOSE DIVISION
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13
   UNITED STATES OF AMERICA,   )   No.   CR 03-20094 LHK
14   )
          Plaintiff,   )   STIPULATION AND [PROPOSED]
15   )   ORDER CONTINUING HEARING TO
       v.   )   February 15, 2012 AND EXCLUDING
16   )   TIME FROM January 18, 2012 TO
   RAMIRO LOPEZ-RAMOS,   )   February 15, 2012 FROM THE SPEEDY
17   )   TRIAL ACT CALCULATION
          Defendant.   )
18   )
)
19 ──────────────────────────────────)

20   The Parties, RAMIRO LOPEZ-RAMOS and the United States, acting through respective

21 counsel, hereby stipulate, subject to the Court's approval, that the hearing currently set for

22 January 18, 2012 at 10:00am be vacated, and that the hearing be re-set for February 15, 2012 at

23 10:00am. The continuance is requested by the defendant's counsel for the following reasons.

24 On November 6, 2011, defense counsel's eighty-eight year old mother broke her hip. On

25 November 9, 2011, defense counsel made his final argument in the case of United States vs.

26 Suibin Zhang. CR 05-00812 RMW. Between November 9, 2011, through November 25, 2011,

27 defense counsel took leave to attend to his mother who after overcoming complications, had hip

28 surgery on November 12, 2011. A number of complications arose due to counsel's mother's

                                       1

1 age, health, and the effects of major surgery. Counsel's mother died on December 13, 2011, and

2 was buried on December 20, 2011. Counsel returned to work on January 9, 2012. On January

3 12, 2012, defense counsel's mother-in-law who had been living with counsel unexpectedly died.

4 She will be buried in Oxnard, California. The funeral is expected to take place sometime during

5 the week of January 17, 2012. Because of these reasons and counsel's case load, he needs

6 additional time to complete his investigation and negotiate a disposition.

7   The parties stipulate that the time between January 18, 2012 and February 15, 2012 is

8 excluded under the Speedy Trial Act, 18 U.S.C. §3161, and agree that the failure to grant the

9 requested continuance would unreasonably deny defense counsel reasonable time necessary for

10 effective preparation, taking into account the exercise of due diligence. Finally, the parties agree

11 that the ends of justice served by granting the requested continuance outweigh the best interest of

12 the public, and the defendant in a speedy trial and in the prompt disposition of criminal cases. 18

13 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

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17 DATED: January 13, 2012   MELINDA HAAG
                                           United States Attorney

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19   ___/s/_____
                                           ANN MARIE E. URSINI

20   Special Assistant United States Attorney

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22   ___/s/_____
                                           MANUEL ARAUJO

23   Attorney for Defendant

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5   **[PROPOSED] ORDER**

6   Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY

7   ORDERS that the hearing in this matter previously set for January 18, 2012 at 10:00am is

8   vacated, and the matter is continued to February 15, 2012 at 10:00am. Further, the Court

9   ORDERS that the time between January 18, 2012 and February 15, 2012 is excluded under the

10   Speedy Trial Act, 18 U.S.C. §3161. The court finds that the failure to grant the requested

11   continuance would unreasonably deny defense counsel reasonable time necessary for effective

12   preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that

13   the ends of justice served by granting the requested continuance outweigh the best interest of the

14   public and the defendant in a speedy trial and in the prompt disposition of criminal cases. The

15   court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§

16   3161(h)(7)(A) and (B)(iv).

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18   IT IS SO ORDERED.

19   DATED: 1/13/12   _____

20   LUCY H. KOH
                               UNITED STATES DISTRICT COURT JUDGE

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